

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RUSSELL SCOTT FARIA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:16-CV-01175-JAR
	)	
SERGEANT RYAN J. McCARRICK, <i>et al.</i>	)	
	)	
Defendants.	)	

**PLAINTIFF'S MOTION FOR LEAVE TO FILE  
SINGLE OMNIBUS MEMORANDUM IN OPPOSITION  
TO DEFENDANT'S MOTIONS FOR SUMMARY JUDGMENT AND  
TO DAUBERT MOTIONS EXCLUDE EXPERTS, AND  
TO FILE SINGLE STATEMENT OF ADDITIONAL FACTS, AND  
FOR THE MEMORANDUM IN OPPOSITION TO EXCEED THE 15 PAGE LIMIT**

Comes now Plaintiff Russell Scott Faria, by counsel W. Bevis Schock, Joel J. Schwartz Nathan T. Swanson and Hugh A. Eastwood, and moves for leave to file a single Omnibus Memorandum in Opposition to Defendants Motion for Summary Judgment and Daubert Motions to Exclude Expert Testimony, to file a single Statement of Additional Facts, and for the Memorandum in Opposition to exceed the 15 page limit. In support whereof Plaintiff states:

This is a factually intensive Track 3 civil rights case. Defendants have Memorandums in Support of their Three Motions for Summary Judgment and two Daubert Motions as follows:

Filer	Document	No. of Pages	Doc #
Askey	Defendant Leah Askey's Motion for Summary Judgment (includes Stmt of Facts)	24	78
Askey	Suggestions in Support of Defendant Leah Askey's Motion for Summary Judgment	24	79
Joint	Suggestions in Support of the Defendants' Motion to Exclude the Testimony of Plaintiff's Designated Expert Glenn Norton, Esq.	12	81

Lincoln County	Memorandum of Law In Support of Defendant, Lincoln County, Missouri's, Motion for Summary Judgment	9	83
McCarrick, Merkel and Harney	Memorandum in Support of Motion of Defendants McCarrick, Merkel, and Harney for Summary Judgment	19	87
Joint	Defendants' Memorandum of Law in Support of their Joint Motion to Exclude the Testimony of Plaintiff's Designated Expert Witness Jeffrey J. Noble	16	89
<b>Total:</b>		104	

Plaintiff's responsive pleadings are due on Monday, October 29 and undersigned counsel are in the final phases of preparing those pleadings. If Plaintiff were to respond to Defendants' Memorandums in Support one by one, then there would be numerous redundancies. Thus one Omnibus Memorandum in Opposition document will promote judicial economy.

Plaintiff is responding individually to Defendants' respective Statements of Facts. Nevertheless, the facts are intertwined, and it will also promote judicial economy for Plaintiff to file a single Statement of Additional Facts in Response to all of Defendants' Motions for Summary Judgment. .

As the court can see, Defendant's six pleadings total 104 pages.

E.D.Mo. L.R. 7-4.01(D) places a 15 page limit on memoranda.

As of this filing undersigned counsel expect the Omnibus Response, if this motion is granted, to be in the range of 150 pages. Plaintiff suggests that number of pages is within reasonable range of Defendants' total of 104 pages. Further, Plaintiff has had no choice but to go into the facts and arguments in great detail in order to fully respond to Defendants' facts and arguments.

WHEREFORE, Plaintiffs pray for leave to file a single Omnibus Memorandum in Opposition to Defendants Motion for Summary Judgment and Motions to Exclude Expert Testimony, to file a single Statement of Additional Facts, and to exceed the 15 page limit.

Respectfully Submitted,  
Counsel for Plaintiff

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#### CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2018 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

All counsel of record

/s/ W. Bevis Schock .

W. Bevis Schock, 32551MO